

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

STATE OF NEW YORK, *et al.*,

Plaintiffs,

-against-

STEPHEN L. JOHNSON, *et al.*,

Defendants.

Case No. 1:07-cv-10632-BSJ-DCF

**NOTICE OF MOTION
TO ADMIT COUNSEL
JAMES T. SKARDON
PRO HAC VICE**

FILED
U.S. DISTRICT COURT
2008 JAN 15 PM 3:36
S.D. OF N.Y.

PLEASE TAKE NOTICE that, upon the annexed declaration of movant, Andrew G.

Frank, Assistant Attorney General in the Environmental Protection Bureau of the office of Andrew M. Cuomo, Attorney General of the State of New York, in support of this motion, and upon the declaration of James T. Skardon, as applicant for admission *pro hac vice*, and upon the certification of good standing of the Supreme Court of Arizona, the undersigned will move this Court before the Honorable Barbara S. Jones, United States District Judge, at the United States Courthouse for the Southern District of New York located at 500 Pearl Street, New York, NY, 10007, pursuant to Rule 1.3 (c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York, for an Order allowing the admission of said James T. Skardon, Assistant Attorney General of the State of Arizona and a member in good standing of the Bar of the State of Arizona, as attorney *pro hac vice* to argue or try this case in whole or in part as counsel. Movant Andrew G. Frank will act as local counsel for the applicant.

Dated: New York, New York
January 15, 2008

AS G. RC

Andrew G. Frank
Assistant Attorney General
Environmental Protection Bureau
ANDREW M. CUOMO
Attorney General of the State of New York
120 Broadway, 26th Floor
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Facsimile: (212) 416-6007

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
STATE OF NEW YORK, *et al.*,

Plaintiffs,

-against-

STEPHEN L. JOHNSON, *et al.*,

Defendants.
-----X

Case No. 1:07-cv-10632-BSJ-DCF

**DECLARATION OF ANDREW G. FRANK IN SUPPORT OF MOTION TO
ADMIT JAMES T. SKARDON AS COUNSEL *PRO HAC VICE***

Andrew G. Frank, being of legal age and pursuant to 28 U.S.C. § 1746, deposes and says:

1. I am an attorney duly admitted to practice in the United States District Court for the Southern District of New York. I was so admitted on February 1, 2000.
2. I am currently employed as an Assistant Attorney General of the Environmental Protection Bureau of the Office of Andrew M. Cuomo, Attorney General of the State of New York, attorney for plaintiff State of New York in this action.
3. I make this declaration in support of the motion to admit James T. Skardon, an attorney admitted to practice in the State of Arizona, as counsel *pro hac vice* for plaintiff State of Arizona in this action.
4. As set forth in the annexed declaration of James T. Skardon and the exhibit thereto:
 - (i) James T. Skardon is a member in good standing of the Bar of the State of Arizona.

(ii) There are no pending disciplinary proceedings against James T. Skardon in any State or Federal Court.

5. I agree to act as local counsel to the applicant for admission *pro hac vice* during the pendency of this action. My address is: Andrew G. Frank, Assistant Attorney General, Environmental Protection Bureau, Office of Andrew M. Cuomo, Attorney General of the State of New York, 120 Broadway, New York, NY 10271. My telephone number is (212) 416-8271 and my fax number is (212) 416-6007. My e-mail address is andrew.frank@oag.state.ny.us.

6. The required fee of \$25.00 accompanies this motion in accordance with the Local Rules of this Court.


7. A proposed Order granting this motion is annexed hereto.

8. No previous application has been made for the relief sought in this motion.

WHEREFORE I respectfully request that James T. Skardon be admitted as counsel *pro hac vice* for plaintiff State of Arizona in this action.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
January 15, 2008



Andrew G. Frank
Assistant Attorney General
Environmental Protection Bureau
ANDREW M. CUOMO
Attorney General of the State of New York
120 Broadway, 26th Floor
New York, NY 10271
Telephone: (212) 416-8271
Facsimile: (212) 416-6007

ORIGINAL

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	
STATE OF NEW YORK, <i>et al.</i> ,	:	
	:	
Plaintiffs,	:	Case No. 1:07-cv-10632-BSJ-DCF
	:	
-against-	:	
	:	
STEPHEN L. JOHNSON, <i>et al.</i> ,	:	
	:	
Defendants.	:	
-----X	:	

**DECLARATION OF JAMES T. SKARDON
IN SUPPORT OF MOTION TO BE ADMITTED *PRO HAC VICE***

James T. Skardon, being of legal age and pursuant to 28 U.S.C. § 1746, deposes and says:

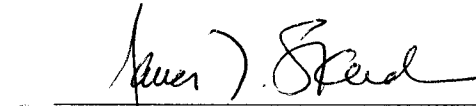
1. I am an attorney duly admitted to practice in the State of Arizona since October 17, 1981.
2. I am currently employed as a Assistant Attorney General in the State of Arizona Office of the Attorney General, where I have been continuously employed since May 1985.
3. Attached hereto as Exhibit A is a Certificate of Good Standing issued by the Disciplinary Clerk of the Supreme Court of Arizona, dated January 7, 2008, reflecting that I am currently a member in good standing of the Bar of the State of Arizona.
4. There are no pending disciplinary proceedings against me in any State or Federal Court.

5. Pursuant to the accompanying motion, I hereby request permission to appear as counsel *pro hac vice* for the State of Arizona in this action. Andrew G. Frank, Assistant Attorney General, Environmental Protection Bureau, Office of Andrew M. Cuomo, Attorney General of the State of New York, 120 Broadway, New York, NY 10271 is and shall remain local counsel in this action.

I declare under penalty of perjury that the foregoing is true and correct.

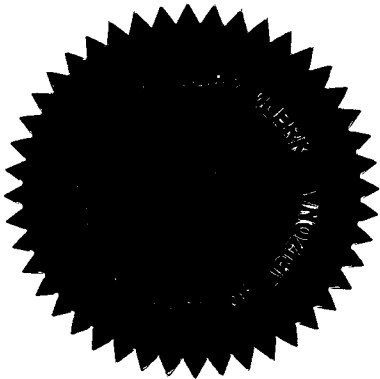
Executed on

JANUARY 9, 2008



James T. Skardon

CERTIFICATE OF GOOD STANDING
ISSUED BY THE DISCIPLINARY CLERK
FOR AND ON BEHALF OF
THE SUPREME COURT OF ARIZONA

The Disciplinary Clerk pursuant to Rule 74, Rules of the Supreme Court of Arizona, hereby certifies that according to the records of the State Bar, **JAMES TODD SKARDON**, was duly admitted to practice as an attorney and counselor at law in all courts of Arizona by the Supreme Court of Arizona on October 17, 1981, and is now, as of the date of this Certificate, an active member of the State Bar of Arizona in good standing.



Given under the seal of the Disciplinary Clerk of the Supreme Court of Arizona this 7th day of January, 2008.


Nancy Swetnam
Acting Disciplinary Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	
	:
STATE OF NEW YORK, <i>et al.</i> ,	:
	:
Plaintiffs,	:
	:
-against-	:
	:
STEPHEN L. JOHNSON, <i>et al.</i> ,	:
	:
Defendants.	:
-----X	

Case No. 1:07-cv-10632-BSJ-DCF

**ORDER GRANTING MOTION TO
ADMIT JAMES T. SKARDON AS COUNSEL *PRO HAC VICE***

UPON the motion of Andrew G. Frank made pursuant to Rule 1.3 (c) of the Local Rules of the United States District Courts for the Southern and Eastern Districts of New York to admit James T. Skardon, an attorney admitted to practice in the State of Arizona, as counsel *pro hac vice* for plaintiff State of Arizona in this action, and the Court having considered said motion, it is hereby

ORDERED that the motion is granted and that James T. Skardon is hereby admitted as counsel *pro hac vice* for plaintiff State of Arizona in this action. Andrew G. Frank, Assistant Attorney General, Environmental Protection Bureau, Office of Andrew M. Cuomo, Attorney General of the State of New York, 120 Broadway, New York, NY 10271 is designated as local counsel.

Dated: New York, New York
this ____ day of _____, 2008.

THE HONORABLE BARBARA S. JONES
UNITED STATES DISTRICT JUDGE

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Andrew G. Frank